

~~53.~~ The method of claim 52 wherein the steps of creating a local information label comprises modifying an existing local information label based upon the information label associated with the received information in response to said indication.

54. The method of claim 52 including the steps of storing the local information label at the user location.--

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#### REMARKS

The thorough and complete examination of this application is appreciated. To move the examination forward, claims 1-15, 22 and 43 have been canceled without prejudice to their refiling in a continuing application. It is believed that the remaining claims and new claims directed to similar subject matter are allowable for the reasons set forth below.

Claims 16 to 18 stand rejected under 35 U.S.C. § 103 as obvious over the West et al patent. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 16 to 18 are directed to a feature of the invention which permits a user to generate a local information label based upon the answers to questions which are related to the category labels. The answers to these questions are then used to form the local information labels. Even assuming that West et al system asks a "question" when it requests the users PIN number, the answer to that "question" does nothing to create a local label. Entry of the PIN merely permits the user to be authorized to enter codes which determine the local "censorship content guidelines." There is nothing in the PIN number

entry that is analogous to the category related questions which, when answered, actually create the local label.

Accordingly, the rejection finds no factual support in the disclosure West et al. Rather, it seems to be totally unsupported, and withdrawal of the rejection is respectfully requested.

Claims 27 to 30 stand rejected under 35 U.S.C. § 103 as being obvious over the patent to West et al. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 27 to 30 are directed to an aspect of the invention which is nowhere taught or even suggested by West. Specifically, these claims are directed to the creation of a local information label based upon the reaction of the user while actually receiving the information. It will be appreciated that the received information has an associated information label (the transmitted label) related to information content. In the context of a television program, for example, the transmitted label may specify that the scene contains violence. The user is provided with the ability to create a local label or modify an existing local label while the program is being viewed by inputting the user's reaction to scenes (e.g., acceptable and/or unacceptable). See pages 51 to 53 of the specification.

Nowhere in West has the Examiner cited to anything even similar to this concept. West discloses creating local "program rating designations" or "censorship content guidelines" by entering rating information via a censorship module 300 (Fig. 3) or on a hand-held control module 47 (Fig. 4). It would appear that the entries are always the ratings themselves and not a viewer reaction (e.g., acceptable/unacceptable) to what is

being received. It would therefore seem that the rejection is based upon the applicant's own specification, and a rejection made on that basis would be improper. Accordingly, withdrawal of the rejection is respectfully requested. In addition, allowance of new claims 52 to 54 directed to this same feature is respectfully requested.

Claims 23-26 stand rejected under 35 U.S.C. § 103 as being obvious over West in view of Clanton. Reconsideration and withdrawal of this rejection is respectfully requested.

These claims are directed to the creation of a history for a user based upon the information viewed or otherwise used by that particular user. In particular, the incoming information includes an information label which includes at least some aspect of program content. The user has an identification code stored in the apparatus and information related to the label is stored to compile a viewing history for that user.

(3) The Examiner acknowledges that West does not disclose the creation of a viewing history for an individual user. It is respectfully submitted that Clanton does not either. Specifically, the portion of Clanton cited by the Examiner, Col. 7, lines 53-58) discloses a "top 10 listing of video preferences." That does not, however, refer to the top shows watched by a particular viewer (i.e., viewer history), it refers to the top shows watched by most viewers. It is a popularity rating and not a viewer history. When a television station boasts that its show is in the "Top 10", it is not referring to a single viewer. In fact, if a viewer viewed 20 programs, the system could not know which were his or her top 10. Accordingly, Clanton's teaching is not the same as or even similar to applicant's claimed viewing history. Thus, withdrawal of the rejection of claims 23 to 26 is respectfully

requested. Also, allowance of newly added claims 49 to 51 is requested since they are directed to the same subject matter.

Claim 34 stands rejected under 35, U.S.C. § 103 as being obvious over the patent to Olivio. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 34 is directed to the embodiment of the invention for scheduling advertising based on program content; see, e.g., the description at pages 54 and 55 of the specification as it would operate in connection with the Figure 2 embodiment. The applicant has recognized that advertisers may dictate certain timing of their advertisements based on program content. This aspect of the invention permits that to be done by determining program content from the information labels in the transmitted information and scheduling advertisements based upon those information labels.

(4) The disclosure of Olivio does not teach or even remotely suggest the scheduling of advertisements, let alone doing it based on information content of the information being transmitted. The portion of the Olivio patent relied upon by the Examiner has to do with substituting a less objectionable scene in a program when the viewer has determined that a scene is too explicit or graphic. Olivio states that when a R-rated movie is played, at the onset of an explicit or graphic scene, the video source will be switched to supply "a less explicit or graphic, e.g., PG-13, substitute scene." Col. 14, lines 30-42. That disclosure has no bearing on the presently claimed scheduling of advertisements by the system operator.

Accordingly, reconsideration and withdrawal of the rejection of claim 34 is respectfully requested.

New claims 45-47 also are allowable for the reasons set forth above. Specifically, claim 45 broadly sets forth the method of scheduling advertisements based on the information labels and thus the content of the programs. Claims 46 and 47 set forth additional aspects of this inventive feature wherein the advertisement is scheduled at a certain time after a certain information content as described at pages 54 and 55 of the specification. Allowance of these claims is therefore respectfully requested.

Claim 44 stands rejected under 35 U.S.C. § 103 as being obvious over the West et al patent. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 44 specifies a means to identify a user based upon a recognition of physical feature, voice or fingerprint. Such recognition is neither taught nor suggested by West. Nor does West suggest that some means other than a pin number be used.

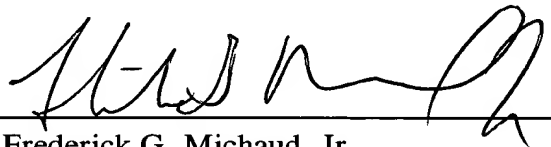
(5) It is not understood why the Examiner would conclude that conventionally available recognition methods would obviously be used in lieu of West's PIN number in his program control system without citing any evidence for that conclusion. The West et al patent itself recognizes that the PIN number may be forgotten and provides an alternative "secondary hidden Master PIN which may be used if the primary one is forgotten." Col. 12, lines 32-34. West even goes to the extreme providing for the recording of pin number by the local television cable operator so that the user can contact the operator if the number is forgotten. Col. 12, lines 36-39. Yet, in spite of the potential to forget a PIN, West does not suggest voice recognition, physical characteristic recognition or the like in lieu of a PIN. It would seem, therefore, unfair and perhaps hindsight to maintain the rejection. Accordingly,

withdrawal of the rejection is respectfully requested. Allowance of newly added method claim 48 is requested for the same reasons.

In view of the foregoing, it is believed that this application is now fully in condition for allowance, and allowance is respectfully requested.

Respectfully submitted,

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